

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BRANDON LEE CHITTUM,

Plaintiff,

v.

MICHAEL HARE,

Defendant.

Case No. 3:18-cv-01167-JPG-MAB

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) of Magistrate Judge Mark A. Beatty regarding the defendant’s motion to dismiss. (ECF Nos. 33, 41.) The Court may accept, reject, or modify—in whole or in part—the findings or recommendations of the magistrate judge in a report and recommendation. FED. R. CIV. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Here, no party has objected and the Report survives a clear error review. For that reason, the Court:

- **ADOPTS** the Report in its entirety (ECF No. 41); and
- **DENIES** the defendant’s motion to dismiss (ECF No. 33).

IT IS SO ORDERED.

DATED: AUGUST 8, 2019

**s/ J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE**